

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

CRIMINAL COMPLAINT

CASE NUMBER: 07-133M(AEG)

WILLIAM P. COSTELLO,

Defendant.

I, Doreen Andrews, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief:

Count One: On or about November 16, 2007, in the State and Eastern District of Wisconsin, **WILLIAM P. COSTELLO**, the defendant herein, knowingly traveled in interstate commerce from Illinois to Milwaukee, Wisconsin, for the purpose of engaging in illicit sexual conduct with "Maria," who he believed to be a 15-year old girl; all in violation of Title 18, United States Code, Section 2423(b).

Count Two: From on or about February 11, 2006 to on or about November 16, 2007, in the State and Eastern District of Wisconsin, and elsewhere, **WILLIAM P. COSTELLO**, the defendant herein, knowingly used a facility in interstate commerce, namely a computer and cellular telephone, to knowingly persuade, induce, and entice an individual who had not attained the age of 18 years to engage in sexual activity for which a person can be charged with a criminal offense, all in violation of Title 18, United States Coded, Section 2422(b).

I further state that I am a Detective with the Milwaukee Police Department, and that this complaint is based on the following facts: Please see the attached affidavit of Detective Andrews, which is continued on the attached sheet and made a part hereof: X Yes ____ No



Signature of Complainant
Doreen Andrews
Detective, Milwaukee Police Department

Sworn to before me and subscribed in my presence,

November 20, 2007

Date

The Honorable Aaron E. Goodstein
United States Magistrate Judge

Name & Title of Judicial Officer

at Milwaukee, Wisconsin

City and State



Signature of Judicial Officer

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Doreen Andrews, being duly sworn on oath, state as follows:

Purpose of this Affidavit

1. I make this affidavit in support of a criminal complaint charging William P. Costello, date of birth 03-28-70, with 18 U.S.C. § 2423(b), traveling in interstate commerce for the purpose of engaging in illicit sexual conduct, (a sexual act as defined in Title 18 United States Code, Section 2246, with a person under eighteen years of age, and said sexual act would be in violation of Chapter 109A of Title 18 United States Code, specifically Title 18, United States Code, Section 2243, if the sexual act occurred in the special maritime and territorial jurisdiction of the United States).
2. I make this affidavit in support of a criminal complaint further charging William P. Costello with Title 18 United States Code, Section 2422(b) (using a facility and means of interstate commerce to knowingly attempt to persuade, induce, entice and coerce a minor to engage in sexual activity, for which any person can be charged with a criminal offense, namely, under Wisconsin Statute 948.02 (2)).

Background and experience of affiant.

3. I am a Detective with the Milwaukee Police Department (MPD) and have been employed by MPD for 14 years, 8 years as a Detective. Since its inception in 2004, I have been assigned to the Criminal Investigation Bureau's High Technology Unit. As part of my duties with the High Technology Unit, I investigate violations of state and federal criminal laws involving child exploitation and child pornography, which

includes violations of 18 U.S.C. § 2423(b) (traveling in interstate commerce for the purpose of engaging in illicit sexual conduct), and 18 U.S.C. § 2246 (a sexual act as defined in Title 18 United States Code, Section 2246, with a person under eighteen years of age, and said sexual act would be in violation of Chapter 109A of Title 18 United States Code, specifically Title 18, United States Code, Section 2243, if the sexual act occurred in the special maritime and territorial jurisdiction of the United States).

4. I have received specialized instruction in the area of child pornography and child exploitation investigations. I received training in this area from the Internet Crimes Against Children Task Force, in a course entitled Undercover Chat Investigations and Child Pornography Investigations and at the Internet Crimes Against Children in Appleton, WI in 2005. I have also received training in other areas pertaining to cyber crimes and computer forensics.
5. As part of my training I have become familiar with the internet, which is a global network of computers and other electronic devices that communicate with each other using various means, including standard telephone lines, high-speed telecommunications links and wireless transmissions including satellites. Due to the structure of the internet, connections between computers online routinely cross state and international borders, even when the computers communicating with each other are in the same state.

Basis for Facts Establishing Probable Cause.

6. The information contained in this affidavit is based upon my personal knowledge and

investigation, my review of various documents and records, as well as information supplied to me by other detectives and law enforcement officers, all of whom I believe to be truthful and reliable. Everything set forth in this affidavit is true to the best of my knowledge and belief.

7. The information contained in this affidavit is not an exhaustive account of everything I know about this case. Rather, it contains only the facts that I believe are necessary to establish probable cause to believe that **William P. Costello** committed the violations alleged in the criminal complaint. Everything set forth in this affidavit is true to the best of my knowledge and belief.

Facts Establishing Probable Cause.

8. This offense occurred in Milwaukee County, State of Wisconsin and elsewhere. I am assigned to operate in an undercover capacity on the Internet for the purpose of identifying and investigating persons attempting to exploit or solicit sexual acts with children. On Sunday, February 11, 2007, I was online in a Yahoo, Illinois chat room, in an undercover capacity as a 14-year-old female.
9. Due to the fact that my undercover identity is currently in use in other investigations, I will not reveal my screen name, but will refer to my undercover name used in this investigation, which was "Maria". Because Yahoo does not allow for persons under the age of 18 to chat, my undercover profile reflects an age of 92. When asked my age, I respond by telling people that I am 14, (born in 1992). My chats with Costello occurred from an undercover computer, located in the High Technology Unit of the Milwaukee Police Department, located at 749 W. State St.

10. My profile does show a picture of an Hispanic female, which in actuality is a photo of a Milwaukee Police Aide, taken of her when she was 14 or 15 years old.
11. On February 11, 2007, I entered a Yahoo, Illinois chat room, and waited to receive instant messages from any users in the room. At approximately 3:14 pm, Costello, using the screen name jetfueler@sbcglobal.net, initiated contact and I began a chat using my undercover identity of Maria.
12. During the course of this chat, Costello asked what Maria did for a living. Acting in my undercover capacity, I replied that Maria was 14. The chat continued and Costello asked if Maria was a virgin. Acting in my undercover capacity, Maria responded that she was still a virgin but that she had performed oral sex on someone else. Costello then told Maria that if she ever wanted to experience oral sex to let him know. Maria agreed and Costello told her to name a day. Maria asked if he was serious and Costello responded that he was but that he needed to make sure that he was not being set up to get busted. Costello then asked if Maria was skipping school on Friday February 16, 2007, to which Maria replied that she was. Costello then went on to ask what hotels they could meet at in Milwaukee. Soon thereafter, the chat ended.
13. On February 12, 2007, Costello chatted with Maria again and asked if she would want to go all the way. In my undercover capacity, Maria responded that she did not want to get pregnant. Costello told Maria that he could bring something to make sure that didn't happen. Costello also asked for a telephone number for Maria. I provided the telephone number to my undercover cellular telephone. Costello called,

and I chatted with him as the 14 year old Maria. The telephone call ended and the online chat continued for a short period of time thereafter. Costello and Maria chatted on February 13, 2007 and February 15, 2007. Each time Costello talked about the upcoming meeting in Milwaukee planned for Friday February 16, 2007.

14. On February 16, 2007, Costello did not travel to Milwaukee to meet as planned. Instead Costello called and left a message for Maria indicating that he had been called in to work.
15. From February 11, 2007 until November 16, 2007, I chatted with Costello in an undercover capacity as 14 year old Maria through instant messaging, telephone, and text messages. During that time, Costello arranged to meet in Milwaukee, WI, on two other occasions for the purpose of having oral sex and sexual intercourse with 14 year old Maria. In addition to the failed February meeting, Costello planned to meet Maria in Milwaukee on Friday April 6, 2007 and September 6, 2007, but did not follow through with the scheduled meetings on either date. Through various chats online with Costello after the failed meeting on September 6, 2007, however, Costello stated that he could come to Milwaukee on Friday November 16, 2007, and the two agreed to meet at the Suburban Motel in Milwaukee, WI between 4 and 5 pm. Costello also offered to bring Maria a present in light of her recent birthday. In my undercover capacity as Maria, I asked for the High School Musical 2 compact disc.
16. On November 16, 2007, at approximately 3:34 pm Costello pulled into the parking lot of the Suburban Motel located at 4600 S. 27th Street in Milwaukee, WI. Costello,

who had just paid for a room at the motel, was arrested in the lobby. A search of his car revealed condoms and a High School Musical compact disc.

17. In a Mirandized statement after his arrest, Costello admitted that he drove from his home in Montgomery, IL to the Suburban Motel in Milwaukee, WI in order to have oral sex and sexual intercourse with a girl named Maria. Costello further stated he met Maria online and believed that she was 15 years old. Costello stated he chatted with Maria online from his home computer and his computer at work, both of which were located in Illinois. Costello also stated his online usernames were jetfueler@sbcglobal.net and thehyperrooster@yahoo.com, both of which he used to chat online with Maria.